

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff

v.

CALVIN EUGENE BENNETT,

Defendant.

NO. CR08-104RAJ

ORDER REIMPOSING ORDER FOR  
CONDITIONAL RELEASE

THIS MATTER having come before the Court for hearing pursuant to Title 18, United States Code, Section 4243(g) based on the Probation Department's March 26, 2018 Petition for Warrant or Summons (Dkt. 81) to determine whether Defendant Calvin Eugene Bennett had failed to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment and whether to revoke conditional release and remand Calvin Bennett to a suitable facility in light of his failure to comply with the prescribed regimen would create a substantial risk of bodily injury to another person or serious damage to the property of another.

After holding a hearing in compliance with Section 4247(d), pursuant to its authority under Sections 4243(f) and 4243(g), and after considering the parties' written submissions, if any, and being fully informed of the file herein, including, but not limited

1 to, the Annual Status Report of January 17, 2018, the Petition (Dkt. 81), and oral  
2 statements at the hearing, including Mr. Bennett's admission(s), the Court finds that Mr.  
3 Bennett committed Violation Number 1 of the Petition (Dkt. 81). Accordingly, this Court  
4 issues the following Findings of Fact and Order.

5 **Findings of Fact**

6 1. On October 15, 2008, Calvin Bennett was charged by Indictment with  
7 Attempted Murder of a Federal Officer, in violation of Title 18, United States Code,  
8 Sections 111 and 1114. Dkt. 22.

9 2. On February 18, 2010, this Court entered a Special Verdict adjudging  
10 Calvin Bennett not guilty by reason of insanity. Dkt. 62.

11 3. An Order committing Calvin Bennett to the custody of the Attorney  
12 General under Title 18, United States Code, Section 4243(e), was entered by this Court  
13 on September 24, 2010. Dkt. 75.

14 4. On January 10, 2013, upon the submission of a Certificate of Improved  
15 Mental Condition and Request for Conditional Release from Hospitalization by Warden  
16 J. Grondolsky at the Federal Medical Center at Devens, this Court issued an Order of  
17 Conditional Release. Dkt. 79. This Order directed a prescribed regimen of treatment and  
18 16 conditions of supervision by the United States Probation Office. The Order further  
19 required the filing of annual status reports by the Probation Office. *Id.*

20 5. The annual status report of January 17, 2018, advised this Court that "Mr.  
21 Bennett appears to be adjusting well to living in an independent environment. He  
22 continues to comply with all conditions of supervision, with no known violations."  
23 *Exhibit A*, Government's Disposition Memorandum (Annual Status Report).

24 6. On March 6, 2018, the Probation Office submitted a Petition for Warrant or  
25 Summons for Offender under Supervision stating that Calvin Bennett had violated a  
26 condition of supervision by failing to participate in mental health treatment (Violation  
27 Number 1). Dkt. 81.

1           7.       The Probation Office's Petition summarized a marked decline in behavior  
2 and medication regimen difficulties experienced by Calvin Bennett between February 27,  
3 2018, and March 5, 2018. In short, Calvin Bennett expressed a desire to terminate mental  
4 health treatment and refused further services from Piedmont Mental Health. Dkt. 81.

5           8.       An arrest warrant was issued on March 26, 2018; Calvin Bennett was  
6 arrested on April 3, 2018, in the District of South Carolina, and thereafter committed to  
7 this District. Dkts. 81, 83, 84. An initial appearance was held in this District on May 11,  
8 2018, and an Order of Detention issued. Dkt. 87. By agreement of the parties, the  
9 evidentiary and disposition hearing was set over several times to allow the parties to  
10 explore treatment and placement options for Calvin Bennett.

11           9.       On October 25, 2018, Alan R. Breen, Ph.D., ABN, PLLC, completed a  
12 Forensic Neuropsychological Evaluation, in which Dr. Breen summarized the clinical  
13 information obtained, as well as his own evaluation of Mr. Bennett, concluding that Mr.  
14 Bennett understands the connection between treatment participation and symptom  
15 reduction, is medication compliant, and a viable candidate for outpatient services and  
16 would benefit from continued case management. Dr. Breen's report and a physical  
17 examination by Deborah Seidel, ARNP, were submitted to the South Carolina  
18 Department of Mental Health, Community Residential Care Facility Services in  
19 Columbia, South Carolina, for consideration as a candidate for CRCF placement. CRCF  
20 has since accepted Mr. Bennett for placement with their services, which includes  
21 housing, treatment, and case management services. *See Exhibit B*, Government's  
22 Disposition Memorandum (Dr. Alan R. Breen's Forensic Neuropsychological Evaluation,  
23 and Gregory's CRCF Admission Medical Examination).

24           10.      On November 30, 2018, upon a hearing before this Court, Calvin Bennett  
25 entered a verbal admission to Violation Number 1 of failure to participate in mental  
26 health treatment. The parties nevertheless agree that his continued conditional release  
27 with a prescribed regimen of treatment and incorporation of all previously imposed

1 conditions of the Order of Conditional Release of January 10, 2013 (Dkt. 79) would not  
2 create a substantial risk of bodily injury to another person or serious damage to property  
3 of another.

4 **ORDER**

5 This Court FINDS that Calvin Bennett has committed Violation Number 1 of  
6 failure to participate in mental health treatment. Accordingly, it is this Court's ORDER  
7 that Calvin Bennett shall be conditionally released when a bed is available at Gregory's  
8 Community Care, coordinated by the U.S. Marshals and U.S. Probation Department, as  
9 noted below, and under a prescribed regimen of treatment and pursuant to the delineated  
10 conditions below.

11 IT IS HEREBY ORDERED AND ADJUDGED, pursuant to Title 18, United  
12 States Code, Section 4243(f), that CALVIN EUGENE BENNETT is conditionally  
13 released under the following conditions:

14 1. Mr. Bennett will reside at Gregory's Community Care, 2415 Fork Shoals  
15 Road, Piedmont, South Carolina 29673, telephone number 864-299-0716. Mr. Bennett  
16 shall reside at the assigned residence until discharged by the program director with the  
17 approval of the United States Probation Officer. Any changes in residence must be  
approved through his United States Probation Officer.

18 2. Mr. Bennett will remain in the custody of the Attorney General pending the  
19 availability of a bed at Gregory's Community Care in Piedmont, South Carolina. Release  
20 of Mr. Bennett to Gregory's Community Care will be coordinated by the U.S. Marshals  
Service and the U.S. Probation Office.

21 3. If a bed date is not available within 30 days, the parties shall provide CRCF  
22 Services with a discharge summary report that supplements the physical examination  
23 performed by Deborah Seidel, ARNP, and the neuropsychological evaluation by Alan R.  
24 Breen, Ph.D., ABN, PLLC.

25 4. Mr. Bennett shall participate in mental health services at CRCF Services,  
26 Piedmont Center for Mental Health Services. Mr. Bennett shall comply with treatment  
27 recommendations made by his probation officer and/or by the mental health  
professionals.

1       5.     Mr. Bennett shall be monitored by mental health professionals and his  
2 probation officer for evidence of psychiatric difficulties and shall continue to take  
3 medication, which may include injectable medications as prescribed and which may be  
4 adjusted by his clinicians.

5       6.     Mr. Bennett will allow CRCF Services to assist him with SSI and to access  
6 other benefits, treatment services, including housing, and consent to have Social Security  
7 appoint CRCF Services as a Representative Payee for his Social Security payments.  
8 CRCF Services shall remain as the Representative Payee until CRCF Services deems a  
9 family member or other person is an appropriate payee. If any changes in Representative  
10 Payee status are required, his United States Probation Officer must be notified.

11       7.     Mr. Bennett will voluntarily agree to abide by any treatment plans created  
12 by his treatment team.

13       8.     Upon recommendation of the medical provider or probation officer, Mr.  
14 Bennett will voluntarily admit himself into a hospital for treatment. If he refuses and his  
15 continued release would create a substantial risk of bodily injury to himself, another  
16 person, or serious damage to the property of another, he should be remanded to a suitable  
17 facility pursuant to 18 U.S.C. 4243(f).

18       9.     Mr. Bennett will be supervised by the United States Probation Office in  
19 Greenville, South Carolina. Mr. Bennett's case will be assigned to Ms. Beth Magera,  
20 telephone number 864-239-6105. This includes his voluntary consent to waive his rights  
21 to confidentiality regarding his mental health treatment in order to allow sharing of  
22 information with the supervising United States Probation Officer who will assist in  
23 evaluating his ongoing appropriateness for community placement.

24       10.    Mr. Bennett will remain under the supervision of the United States  
25 Probation Officer until he is discharged from all mental health treatment and/or his  
26 federal civil commitment. The primary treatment provider may be changed with the  
27 approval of the United States Probation Office.

28       11.    Mr. Bennett may not have in his possession at any time any actual or  
imitation firearm, destruction device or other deadly weapon. He shall submit to a search  
without a warrant at the request of a probation officer or any law enforcement officer of  
his person, and/or property including vehicle or premises for the purpose of determining  
compliance with this condition. Revocation of conditional release is mandatory for  
possession of a firearm.

1        12. Mr. Bennett will abstain from the use of alcohol, illegal narcotic substance  
2 or drugs. He shall not frequent places where alcohol or illegal drugs are known to be the  
3 primary place of possession, manufacture or distribution. If determined necessary by the  
4 probation office, he will participate in substance abuse treatment and be required to  
participate in random drug and Breathalyzer testing.

5        13. The United States Marshals Service shall be notified to return Mr. Bennett  
6 to the custody of the Attorney General if it is determined that Mr. Bennett has violated  
7 any conditions which are established for him.

8        14. As directed by the probation officer, Mr. Bennett shall notify third parties  
9 of risks that may be occasioned by his criminal record or personal history or  
10 characteristics, and permit the probation officer to make notifications and to confirm his  
compliance with such notification requirement.

11        15. Mr. Bennett shall be restricted from leaving the judicial district without  
12 prior approval from the court or the U.S. Probation Officer. He shall not incur new credit  
13 charges or open additional lines of credit without the approval of the probation office. He  
shall provide the probation officer with access to any requested financial information.

14        16. Mr. Bennett shall not commit another federal, state, or local crime, and he  
15 shall immediately notify his probation officer if he is arrested or questioned by any law  
16 enforcement officer. He shall not associate with any persons engaged in criminal activity  
17 or associate with any person convicted of a felony unless granted permission by his  
probation officer.

18        17. Mr. Bennett shall comply with other standard conditions of release as  
19 proposed by the United States Probation Office.

20        18. Mr. Bennett shall refrain from any direct or indirect contact with the victim,  
21 J.R., including through any third person, in writing, by phone, through the internet or any  
22 other form of communication.

23        IT IS FURTHER ORDERED that, pursuant to Title 18, United States Code,  
24 Section 4247(d), annual status reports shall be filed by the Probation Office with the  
25 Court, with copies to the Assistant United States Attorney, assigned counsel for Calvin  
26 Eugene Bennett, and the Warden at FMC Devens.

This Order shall become effective when bed space becomes available at Gregory's Community Care in Piedmont, South Carolina.

DATED this 30th day of November, 2018.

Richard A. Jones

The Honorable Richard A. Jones  
United States District Judge